

HOUSE BILL No. 1258

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-12; IC 23-13-18-4.

Synopsis: Faculty member on university boards. Adds a nonvoting faculty member to the board of trustees of each state supported college and university. Establishes a procedure for the election every three years of the nonvoting faculty board member by the faculty of the college or university.

Effective: July 1, 2007.

Smith V, Orentlicher, Porter

January 11, 2007, read first time and referred to Committee on Education.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1258

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-12-23-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The board of
3 trustees of the state university shall be ~~nine (9)~~ **ten (10)** in number.

4 (b) This subsection does not apply to the student trustee appointed
5 under IC 20-12-24-3.5 **and the nonvoting faculty trustee elected**
6 **under IC 20-12-24-3.6.** Not more than:

7 (1) one (1) of the trustees elected under IC 20-12-24-2; and

8 (2) two (2) of the trustees appointed under IC 20-12-24-3;
9 may reside in the same county.

10 (c) The trustees and their successors shall be a body politic, with the
11 style of "The Trustees of Indiana University"; in that name to sue and
12 be sued; to elect one (1) of their number president; to elect a treasurer,
13 secretary, and such other officers as they may deem necessary; to
14 prescribe the duties and fix the compensation of such officers; to
15 possess all the real and personal property of such university for its
16 benefit; to take and hold, in their corporate name any real or personal
17 property for the benefit of such institution; to expend the income of the

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1 university for its benefit; to declare vacant the seat of any trustee who
 2 ~~shall be~~ absent ~~himself~~ from two (2) successive meetings of the board,
 3 or ~~be~~ is guilty of any gross immorality or breach of the bylaws of the
 4 institution; to elect a president, such professors and other officers for
 5 such university as shall be necessary, and prescribe their duties and
 6 salaries; to employ other persons as necessary; to establish programs
 7 of fringe benefits and retirement benefits for the university's officers,
 8 faculty, and other employees that may be supplemental to or in lieu of
 9 state retirement programs established by statute for public employees;
 10 to prescribe the course of study and discipline and price of tuition in
 11 such university; and to make all bylaws necessary to carry into effect
 12 the powers hereby conferred.

13 SECTION 2. IC 20-12-23-4 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. ~~Five (5)~~ Six (6) of
 15 such trustees shall constitute a quorum; and, in case an emergency is
 16 declared by the faculty, after there shall have been a called session, at
 17 which the other members failed to attend, the three (3) trustees residing
 18 in the county of Monroe may fill vacancies in the faculty of the
 19 university and the board of trustees; and, in case there should not be
 20 three (3) trustees in attendance upon such emergency, then those that
 21 are in attendance, together with such members of the faculty as may be
 22 in attendance, shall fill such vacancies; but appointments thus made
 23 shall expire at the next meeting of the board.

24 SECTION 3. IC 20-12-24-3.6 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2007]: **Sec. 3.6. One (1) member of the board**
 27 **of trustees shall:**

- 28 (1) **be a member of the faculty of Indiana University who**
 29 **holds the rank of assistant professor or higher;**
- 30 (2) **be elected under IC 20-12-64.5 by secret ballot by Indiana**
 31 **University employees who hold the rank of assistant professor**
 32 **or higher;**
- 33 (3) **serve a three (3) year term beginning July 1 or, if a**
 34 **vacancy occurs, for the remainder of the unexpired term of**
 35 **the previous nonvoting faculty trustee;**
- 36 (4) **be eligible for reelection as nonvoting faculty trustee if the**
 37 **person remains a member of the faculty of Indiana University**
 38 **holding the rank of assistant professor or higher; and**
- 39 (5) **not be entitled to vote as a member of the board of**
 40 **trustees.**

41 SECTION 4. IC 20-12-37-1 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. The board of trustees

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of Purdue University shall consist of ~~ten (10)~~ **eleven (11)** members, to be appointed **or elected** for such term of service and in such manner as is herein provided, and that the terms of all trustees shall terminate on the first day of July of the year in which their terms of office expire.

SECTION 5. IC 20-12-37-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The governor of the state of Indiana shall appoint ten (10) trustees for Purdue University for the term beginning on the first day of July, which trustees and their successors shall be appointed as hereinafter provided. **In addition, one (1) nonvoting member of the Purdue University board of trustees shall be elected under subsection (b).**

(b) **One (1) member of the board of trustees shall:**

- (1) **be a member of the faculty of Purdue University who holds the rank of assistant professor or higher;**
- (2) **be elected under IC 20-12-64.5 by secret ballot by the Purdue University faculty senate;**
- (3) **serve a three (3) year term beginning July 1 or, if a vacancy occurs, for the remainder of the unexpired term of the previous nonvoting faculty trustee;**
- (4) **be eligible for reelection as nonvoting faculty trustee if the person remains a member of the faculty of Purdue University holding the rank of assistant professor or higher; and**
- (5) **not be entitled to vote as a member of the board of trustees.**

SECTION 6. IC 20-12-56-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The Indiana State University board of trustees shall be composed of ~~nine (9)~~ **ten (10)** trustees. The governor shall appoint to the board seven (7) competent persons, one (1) of whom must be a student, and two (2) additional competent persons, alumni of the university, nominated by the alumni council of the university, shall be appointed by the governor. There shall be one (1) or more women on the duly constituted board. **One (1) nonvoting member of the board shall be a member of the faculty of Indiana State University elected to the board under subsection (d).**

(b) All trustees and their successors shall be appointed for terms of four (4) years, except:

- (1) **the student member, who shall be appointed for two (2) years during which time ~~he~~ the member must be a full-time student of Indiana State University; and**
- (2) **the nonvoting faculty member elected under subsection (d), who shall be elected for a term of three (3) years.**

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(c) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least ten (10) names to the governor for ~~his~~ **the governor's** consideration. The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with the provisions of this chapter.

(d) One (1) member of the board of trustees shall:

(1) be a member of the faculty of Indiana State University who holds the rank of assistant professor or higher;

(2) be elected under IC 20-12-64.5 by secret ballot by Indiana State University employees who hold the rank of assistant professor or higher;

(3) serve a three (3) year term beginning July 1 or, if a vacancy occurs, for the remainder of the unexpired term of the previous nonvoting faculty trustee;

(4) be eligible for reelection as nonvoting faculty trustee if the person remains a member of the faculty of Indiana State University holding the rank of assistant professor or higher; and

(5) not be entitled to vote as a member of the board of trustees.

~~(d)~~ **(e)** All members appointed to the board shall be residents of the state of Indiana and citizens of the United States of America. The alumni members appointed to the board shall have completed a prescribed course of study by Indiana State University or its predecessors, Indiana State Normal School, Indiana State Teachers College, or Indiana State College.

~~(e)~~ **(f) Except as provided by subsection (d),** all vacancies occurring in the board from death, resignation, or removal from the state shall be filled by appointment by the governor for the unexpired term of the retiring member, subject to the provision that the alumni council of the university shall nominate the appointee to fill a vacancy caused by the loss of an alumni member.

SECTION 7. IC 20-12-57.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. ~~(Board of Trustees: Membership)~~ **(a)** The Ball State University board of trustees shall be composed of ~~nine (9)~~ **ten (10)** members, ~~nine (9) of whom shall be~~ appointed by the governor ~~pursuant to the provisions of~~ **under** this

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chapter. **Of the nine (9) members appointed by the governor, six (6) of whom shall be appointed at large, two (2) of whom shall be appointed as alumni of Ball State University, and one (1) of whom shall be appointed as a Ball State University student. One (1) nonvoting member of the board of trustees shall be a member of the faculty of Ball State University elected to the board under subsection (d).**

(b) Within the nonstudent board membership, not more than six (6) shall be of the same sex and not less than one (1) shall be a resident of and reside in Delaware County, Indiana.

(c) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least ten (10) names to the governor for ~~his~~ **the governor's** consideration. The governor shall select one (1) of these names for appointment as a trustee of the university ~~in accordance with the provisions of~~ **under** this chapter.

(d) **One (1) member of the board of trustees shall:**

(1) **be a member of the faculty of Ball State University who holds the rank of assistant professor or higher;**

(2) **be elected under IC 20-12-64.5 by secret ballot by Ball State University employees who hold the rank of assistant professor or higher;**

(3) **serve a three (3) year term beginning July 1 or, if a vacancy occurs, for the remainder of the unexpired term of the previous nonvoting faculty trustee;**

(4) **be eligible for reelection as nonvoting faculty trustee if the person remains a member of the faculty of Ball State University holding the rank of assistant professor or higher; and**

(5) **not be entitled to vote as a member of the board of trustees.**

SECTION 8. IC 20-12-57.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) ~~With the exception of the student member of the board, Except as provided in subsection (b) and section 2(d) of this chapter,~~ all appointments to the board of trustees are for four (4) year terms. Each term of a nonstudent board member begins on January 1 of the appropriate year. Each member shall serve until ~~his~~ **the member's** successor is appointed and qualified.

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(b) The student member of the board of trustees who is appointed under section 2 of this chapter is appointed for a two (2) year term. ~~His~~ **The student member's** term begins on July 1 of the year in which ~~he~~ **the student member** is appointed. The student member of the board must be a full-time student at Ball State University throughout ~~his~~ **the student member's** term.

SECTION 9. IC 20-12-57.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. ~~(Board: Vacancies)~~ **Except as provided by section 2(d) of this chapter,** all vacancies occurring on the board of trustees from death, incapacitation, or resignation shall be filled by appointment of the governor for the unexpired term. Vacancies in offices held by alumni members shall be filled from nominees submitted by the alumni council.

SECTION 10. IC 20-12-61-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Ivy Tech shall be governed by a board of trustees **whose members are either** appointed by the governor **under this subsection or elected by the faculty of Ivy Tech as a nonvoting member of the state board under subsection (b).** The number of members of the state board **appointed under this subsection** must equal the number of regions established under section 9 of this chapter. Each member of the state board must have knowledge or experience in one (1) or more of the following areas:

- (1) Manufacturing.
- (2) Commerce.
- (3) Labor.
- (4) Agriculture.
- (5) State and regional economic development needs.
- (6) Indiana's educational delivery system.

One (1) member of the state board must reside in each region established under section 9 of this chapter. Appointments shall be for three (3) year terms, on a staggered basis.

(b) One (1) nonvoting member of the state board shall:

- (1) be a member of the faculty of Ivy Tech who holds the rank of assistant professor or higher;**
- (2) be elected under IC 20-12-64.5 by secret ballot by Ivy Tech employees who hold the rank of assistant professor or higher;**
- (3) serve a three (3) year term beginning July 1 or, if a vacancy occurs, for the remainder of the unexpired term of the previous nonvoting faculty member of the state board;**
- and**
- (4) be eligible for reelection as nonvoting faculty member of**

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1 **the state board if the person remains a member of the faculty**
 2 **of Ivy Tech holding the rank of assistant professor or higher.**

3 ~~(b)~~ **(c)** No one who holds an elective or appointed office of the state
 4 is eligible to serve as a member of the state board. A member of a
 5 regional board may be appointed to the state board, but must then
 6 resign from the regional board.

7 SECTION 11. IC 20-12-61-6 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) **Except as**
 9 **provided by section 4(b) of this chapter,** the governor shall fill all
 10 vacancies on the state board. Each trustee appointed to fill a vacancy
 11 shall represent the same region as ~~his~~ **the trustee's** predecessor.

12 (b) If a vacancy occurs on the state board, the regional board for the
 13 region in which the former member resided may recommend to the
 14 governor one (1) or more qualified persons to fill the vacancy.

15 SECTION 12. IC 20-12-64-7 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The board
 17 consists of ~~nine (9)~~ **ten (10)** members who shall serve staggered terms
 18 of four (4) years. However:

19 **(1)** the student member required by subsection (c) shall serve a
 20 term of two (2) years; **and**

21 **(2) the nonvoting faculty member elected under subsection (d)**
 22 **shall serve a term of three (3) years.**

23 (b) Each member of the board must be a citizen of the United States
 24 and a resident of Indiana.

25 (c) The board must include at least the following:

26 **(1)** One (1) member who is an alumnus of the university or an
 27 alumnus of the regional campus.

28 **(2)** One (1) member who is a full-time student in good standing
 29 enrolled in the university.

30 **(3)** One (1) member who is a resident of Vanderburgh County.

31 **(4) One (1) member who is a member of the faculty of the**
 32 **university as provided by subsection (d).**

33 **(d) One (1) member of the board shall:**

34 **(1) be a member of the faculty of the university who holds the**
 35 **rank of assistant professor or higher;**

36 **(2) be elected under IC 20-12-64.5 by secret ballot by**
 37 **employees of the university who hold the rank of assistant**
 38 **professor or higher;**

39 **(3) serve a three (3) year term beginning July 1 or, if a**
 40 **vacancy occurs, for the remainder of the unexpired term of**
 41 **the previous nonvoting faculty member of the board;**

42 **(4) be eligible for reelection as nonvoting faculty member of**

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the board if the person remains a member of the faculty of the university holding the rank of assistant professor or higher; and

(5) not be entitled to vote as a member of the board.

SECTION 13. IC 20-12-64-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. **Except as provided by section 7(d) of this chapter**, the governor shall appoint the members of the board. If a vacancy occurs during the term of any member **who was appointed by the governor**, the governor shall appoint an individual to serve the unexpired term of the vacating member.

SECTION 14. IC 20-12-64.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 64.5. Election of Faculty Trustee Members at State Educational Institutions

Sec. 1. As used in this chapter, "committee" refers to a trustee election committee designated or established under section 5 of this chapter.

Sec. 2. As used in this chapter, "faculty organization" refers to an organization in the governance structure of a state educational institution that:

- (1) is composed of faculty members; and
- (2) may include other university personnel who are not faculty members.

Sec. 3. As used in this chapter "faculty trustee member" refers to the member of the faculty who is elected to the board of trustees or similarly named governing body of a state educational institution.

Sec. 4. As used in this chapter, "state educational institution" has the meaning set forth in IC 20-12-0.5-1.

Sec. 5. (a) The faculty organization at each state educational institution shall either:

- (1) designate a committee of the faculty organization to act as the trustee election committee under this chapter; or
- (2) establish a separate trustee election committee under subsection (b).

(b) If subsection (a)(2) applies, the faculty organization shall establish a trustee election committee and determine the following:

- (1) The number of members of the committee, which must be at least five (5).
- (2) The qualifications required for members of the committee.

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However, each member of the committee must be a faculty member at the state educational institution who holds the rank of assistant professor or higher.

(3) The manner of selection and appointment of the following:

(A) Members of the committee.

(B) A chairperson of the committee.

(C) A vice chairperson of the committee.

(4) The length of a member's term of service on the committee.

(5) A method for removing a member from the committee.

(6) A method for filling a vacancy on the committee.

(7) Other matters the faculty organization considers necessary and relevant.

Sec. 6. (a) This section applies only to actions of a committee taken under this chapter.

(b) A committee shall meet at the call of:

(1) the chairperson; or

(2) a majority of the members of the committee.

(c) A quorum for a committee to do business is a majority of the total membership of the committee.

(d) The affirmative vote of a majority of the members of a committee is required for the committee to take action.

Sec. 7. A committee shall do the following:

(1) Establish procedures for the election of the faculty trustee member. However, the procedures that the committee establishes must meet the requirements of section 8 of this chapter.

(2) Personally conduct the election or make other arrangements for the conduct of the election under the direction of the committee.

(3) Perform other duties related to the election as directed by the faculty organization.

Sec. 8. The following procedures must be observed in the election of the faculty trustee member:

(1) The election must be conducted under the direction of the committee.

(2) The election must be conducted in a manner that ensures that the person who is elected as a faculty trustee member meets the statutory requirements for the position.

(3) The election must be conducted in a manner that ensures that the faculty trustee member is elected by employees of the state educational institution who hold the rank of assistant

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1 professor or higher.

2 **(4) The election must be conducted by means of a written**
3 **ballot designed by the committee.**

4 **(5) The election must take place by secret ballot.**

5 **(6) The committee must provide for the impartial tabulation**
6 **of ballots and the reporting of results of the election.**

7 **(7) The committee must provide for the safekeeping of the**
8 **ballots for four (4) years after the election.**

9 SECTION 15. IC 23-13-18-4 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The board of
11 trustees of Vincennes University shall consist of ~~ten (10)~~ **eleven (11)**
12 trustees. Nine (9) shall be appointed by the governor, one (1) of whom
13 must be a resident of Knox County and one (1) must be an alumnus of
14 Vincennes. In addition, the governor shall appoint one (1) trustee who
15 is a full-time student of the university during ~~his~~ **the student's** term.
16 **One (1) nonvoting member of the board of trustees shall be a**
17 **member of the faculty of Vincennes University elected under**
18 **subsection (d).**

19 (b) To aid the governor in the selection of the student member, a
20 search and screen committee is created consisting of one (1)
21 representative of the governor and at least four (4) students chosen by
22 the elected student government representatives of the student body. The
23 committee shall establish the mode and criteria to be used in the
24 selection of student nominees to serve on the board of trustees. The
25 committee shall submit a list of at least five (5) names to the governor
26 for ~~his~~ **the governor's** consideration. The governor shall select one (1)
27 of these names for appointment as a trustee of the university in
28 accordance with the provisions of this chapter.

29 (c) There shall be four (4) ex officio members of the board: the
30 president of the university, the superintendent of the Vincennes
31 Community School Corporation, the superintendent of the South Knox
32 School Corporation, and the superintendent of the North Knox School
33 Corporation.

34 **(d) One (1) member of the board of trustees shall:**

35 **(1) be a member of the faculty of Vincennes University who**
36 **holds the rank of assistant professor or higher;**

37 **(2) be elected under IC 20-12-64.5 by secret ballot by**
38 **employees of Vincennes University who hold the rank of**
39 **assistant professor or higher;**

40 **(3) serve a three (3) year term beginning July 1 or, if a**
41 **vacancy occurs, for the remainder of the unexpired term of**
42 **the previous nonvoting faculty trustee;**

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1 **(4) be eligible for reelection as nonvoting faculty trustee if the**
 2 **person remains a member of the faculty of Vincennes**
 3 **University holding the rank of assistant professor or higher;**
 4 **and**
 5 **(5) not be entitled to vote as a member of the board of**
 6 **trustees.**

7 ~~(d)~~ **(e)** The term of each appointed trustee shall be for three (3)
 8 years, except that of the student appointee, who shall serve a one (1)
 9 year term. When a vacancy occurs in the membership of the board of
 10 trustees, such vacancy shall be filled by the board for the unexpired
 11 term, **except a vacancy of a nonvoting faculty member, which shall**
 12 **be filled under subsection (d).** The appropriate number of appointive
 13 trustees shall be appointed prior to the first Monday of October of each
 14 year and that first Monday shall be the first day of their terms.

15 ~~(e)~~ **(f)** The annual meeting of the board shall be held on the first
 16 Monday of October of each year. Special meetings may be called by the
 17 president of the board or by any ~~four~~ **(4) five (5)** trustees.

18 ~~(f)~~ **(g)** Six (6) trustees shall constitute a quorum at any regular or
 19 special meeting of the board.

20 ~~(g)~~ **(h)** The trustees shall serve without compensation, except that
 21 each member is entitled to the salary per diem as provided by
 22 IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and
 23 other expenses as provided in the state travel policies and procedures
 24 established by the department of administration and approved by the
 25 ~~state~~ budget agency.

26 SECTION 16. [EFFECTIVE JULY 1, 2007] **(a) As used in this**
 27 **SECTION, "universities" refers to Indiana University, Purdue**
 28 **University, Ball State University, Indiana State University,**
 29 **Vincennes University, Ivy Tech Community College of Indiana,**
 30 **and the University of Southern Indiana.**

31 **(b) Employees of the universities who hold the rank of assistant**
 32 **professor or higher shall elect the initial nonvoting faculty trustee**
 33 **members added by this act not later than March 1, 2008.**

34 **(c) Notwithstanding any provision of this act, the terms of each**
 35 **of the initial nonvoting faculty members elected to the boards of**
 36 **trustees of the universities under this act begin July 1, 2008.**

37 **(d) This SECTION expires July 1, 2008.**

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